APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,271	03/23/2004	Scott Papineau	1828A	5081

28005   7590   03/25/2008
SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER
PANTOLIANO JR, RICHARD

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
03/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 March 2004</u>.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-33</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>23 March 2004</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>20080221, 2007/08/20, 20070820, 20070622,</u>
     <u>20060925</u>.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This is the initial office action for Application# **10/808,271** filed on **23 March**

2004. **Claims 1-33** are currently pending and have been considered below.

Drawings

2.   **Figures 1-4** should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities:

        a) pg. 13, line 5: "... or be distributed..." should be "or are distributed"

        b) pg. 28, tables 6: The disclosure is objected to because it contains an

embedded hyperlink and/or other form of browser-executable code. Applicant is

required to delete the embedded hyperlink and/or other form of browser-executable

code. See MPEP § 608.01.

        Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   **Claims 1-33** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   As to **Claim 1**, use of the "JAVA" programming language is recited as a limitation of the claim. The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). In referring to a software product such as JAVA, Applicant should amend the claim to include the version number used at the time of invention.

7.   As to **Claims 2-33,** these claims suffer similar deficiencies as **Claim 1** and are therefore rejected for the same reasoning as applied to **Claim 1**.

8.   As to **Claims 14, 21, and 27**, since they are directed to computer readable media

but are dependent upon "method" claims, it is uncertain as to whether these claims are

dependent or independent claims. As it appears that Applicants' intend to claim

inventions that are of different statutory classes from there independent claims, **Claims**

14, 21, and 27 should be written in dependent form.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   **Claims 1-33** are rejected under 35 U.S.C. 102(b) as being anticipated by

Papineau (Papineau, Scott, "Sprint PCS J2ME Application Environment". Sprint PCS

3G Early Access Conference, February 6, 2002), cited by Applicant on information

disclosure statement dated **22 June 2007**.

11.   As to **Claim 1,** Papineau discloses the invention substantially as claimed

including a computer readable medium having stored therein an object-oriented

application program interface including a plurality of object-oriented object classes to

allow input and output data to be communicated between applications, the computer

readable medium comprising:

        a) a first object-oriented object class for accepting input data on a Java MIDlet in

a MIDlet Suite from an application management system on a mobile information device

when the MIDlet is invoked on the mobile information device, wherein the input data is generated by another MIDlet in another MIDlet Suite; (p. 27 and 32) (The "Muglet Class" allows context information to be passed from the class calling the Muglet to the MIDlet being called, thereby meeting the claim limitation) and

b) second object-oriented object class for setting output data from a MIDlet in a MIDlet Suite when the MIDlet is terminated on a mobile information device, wherein the output data is available to an application management system on the mobile information device and can be used by other applications (pg. 28) (The "Application Management System (AMS)" passes context information to the MIDlet via the Muglet, thereby meeting the claim limitation).

12.   As to **Claim 2,** Papineau further teaches wherein the first object oriented object is a Java Muglet object class (p. 32).

13.   As to **Claim 3,** Papineau further teaches wherein the Java Muglet object class includes at least one of a getMediaType(), getContentType(), getMuglet(), getReferringURI() and getURI() object-oriented classes. (pg. 32, and 34)

14.   As to **Claim 4,** Papineau further teaches wherein the second object-oriented class is a Java System object class. (p. 29) (The "Class System" used by the AMS meets this claim limitation).

15.   As to **Claim 5,** <u>Papineau</u> further teaches wherein the Java System object class

includes a setExitURI() object-oriented method (pg. 30).

16.   As to **Claim 6,** <u>Papineau</u> further teaches wherein input data accepted by the first

object-oriented object class and the output data set by the second object-oriented class

includes a Uniform Resource Indicator (URI) scheme or an Internet media type. (p.30

and 34) (The "setCallbackURI()" method for the Class System and the "getURI()"

method of Class Muglet meets this claim limitation)

17.   As to **Claim 7,** this claim is rejected for the same reasoning as applied to **Claim

6**.

18.   As to **Claim 8,** <u>Papineau</u> further teaches wherein the input data is generated by a

non-MIDlet application on the mobile information device (pg. 28) (The AMS dispatches

all content processing calls to the appropriate native or J2ME handler)

19.   As to **Claim 9,** <u>Papineau</u> further teaches wherein the output data can be used by

non-MIDlet applications on the mobile information device(pg. 28) (The AMS processes

context information passed out from a MIDlet to whatever application was set by the call

to the "Exit URI" functionality of the System class).

20.   As to **Claim 10**, <u>Papineau</u> further teaches wherein the output data can be used

by other MIDlets in other MIDlet suites on the mobile information device (pg. 37) (The

"Generic Connection Framework" using the "StreamConnection" allows the MIDlets to

share information between MIDlet Suites).

21.   As to **Claim 11**, <u>Papineau</u> further teaches wherein the first object-oriented class

and the second object-oriented class are Java 2 Micro Edition Classes (pg. 4) (All of the

components are listed as operating on the J2ME architecture, thereby meeting the claim

limitation).

22.   As to **Claim 12**, <u>Papineau</u> explicitly teaches wherein the mobile information

device includes a mobile phone, personal digital assistant, or a two way pager (pg. 4

and pg. 7).

23.   As to **Claim 13**, <u>Papineau</u> discloses the invention substantially as claimed

including a method of exchanging output data between applications on a mobile

information device, comprising:

        a) executing a Java 2 Micro Edition (J2ME) MIDlet on a mobile information

device (pg. 32) (The "getMuglet()" method of the Muglet Class, a is called to check for

input data),

        b) wherein the MIDlet has an object-oriented method in an object-oriented object

class available for setting output data from a MIDlet in a MIDlet suite(pg. 34); and

c) setting output data from the MIDlet before the MIDlet is terminated on the mobile information device using the object-oriented method in the object-oriented class (pg. 28)(The processed information is passed out using the "exitURI" in the System class)

d) wherein the output data is available to an application management system on the mobile information device and can be used by other MIDlets in other MIDlet Suites or non-MIDlet applications on the mobile information device. (pg. 28 and 37) (The "Generic Connection Framework" using the "StreamConnection" allows the MIDlets to share information between MIDlet Suites)

24.   As to **Claim 14,** <u>Papineau</u> further teaches a computer readable medium having stored therein instructions for causing a processor to execute the steps of **Claim 13** (pg. 6).

25.   As to **Claim 15,** <u>Papineau</u> further teaches wherein the object-oriented method includes a setExitURI() object-oriented method from a System object-oriented class available to MIDlets (pg. 30)

26.   As to **Claim 16,** this claim is rejected for the same reasoning as provided for **Claim 12**.

27.   As to **Claim 17,** this claim is rejected for the same reasoning as provided for **Claim 10**.

28.   As to **Claim 18,** <u>Papineau</u> further teaches wherein the output data allows

execution control to a previous context being used before the MIDlet was invoked (p.

35) (The "setExitURI()" function allows execution control to return to the calling MIDlet).

29.   As to **Claim 19,** <u>Papineau</u> discloses the invention substantially as claimed

including a method for exchanging input data between applications on a mobile

information device, comprising:

a) invoking a MIDlet from an application management system on a mobile

information device (pg. 32) (The "getMuglet()" method of the Muglet Class is called to

check for input data);

b) wherein the MIDlet has a plurality of object-oriented methods in an object-

oriented object class available for using input data created by other MIDlets (pg. 34);

and

c) accepting input data created by another MIDlet from the application

management system on the MIDlet using one or more of the plurality of object-oriented

methods from the object oriented class (pg. 4, 28 and 33) (The "Application

Management System" (AMS) uses the Muglet class to pass data into the called MIDlet).

30.   As to **Claim 20**, this claim is rejected for the same reasoning as provided for

Claim 9.

31.   As to **Claim 21,** <u>Papineau</u> further teaches a computer readable medium having

stored therein instructions for causing a processor to execute the steps of **Claim 19** (pg.

6) (NVRAM is used to store applications and content).

32.   As to **Claim 22,** this claim is rejected for the same reasoning as provided for

Claim 6.

33.   As to **Claim 23,** <u>Papineau</u> further teaches wherein the step of accepting input

data includes accepting input data including a Uniform Resource Indicator (URI) or an

internet media type (pg. 32) (Muglets are registered to handle particular content types).

34.   As to **Claim 24,** <u>Papineau</u> further teaches wherein the MIDlet is a J2ME MIDlet

(pg. 5 and 38).

35.   As to **Claim 25,** <u>Papineau</u> discloses the invention substantially as claimed

including a method for invoking an application as an application handler on a mobile

information device, comprising:

        a) invoking a Java Micro Edition (J2ME) MIDlet from an application management

system on the mobile information device as a MIDlet handler (p. 28 and 32);

        b) wherein the MIDlet handler includes a plurality of object-oriented methods in

an object-oriented object class available for using input data created by other MIDlets

(pg. 34) (The Muglet has several methods used in processing content);

c) determining that the MIDlet handler was invoked as a Muglet (pg. 35) (The "getMuglet()" function determines if the MIDlet was called as a Muglet);

d) calling an object-oriented method in the object-oriented object class from the MIDlet handler to determine what type of input data will be processed by the MIDlet handler, wherein the object-oriented method returns a return value (pg. 35) (The "getMediaType()" function determines the type of the media to process); and

e) processing the input data based on the return value by calling one or more other object-oriented methods in the object-oriented object class (p. 37) ("Connection Streams" are used after open the media to read and write to the media).

36.   As to **Claim 26,** <u>Papineau</u> further teaches invoking another MIDlet from the MIDlet handler using the processed input data (pg. 28)(The processed information is passed out using the "exitURI" in the System class).

37.   As to **Claim 27,** <u>Papineau</u> further teaches a computer readable medium having stored therein instructions for causing a processor to execute the steps of **Claim 25** (pg. 6).

38.   As to **Claim 28**, this claim is rejected for the same reasoning as provided for **Claim 23**.

39.   As to **Claim 29**, this claim is rejected for the same reasoning as provided for

Claim 25.

40.   As to **Claim 30**, this claim is rejected for the same reasoning as provided for

Claim 6.

41.   As to **Claim 31**, Papineau further teaches wherein the MIDlet handler is a URI

scheme or Internet media type handler (pg. 35) (The Muglet determines what media

type it is designated to handle and processes the information accordingly).

42.   As to **Claim 32**, this claim is rejected for the same reasoning as provided for

Claim 1.

43.   As to **Claim 33**, this claim is rejected for the same reasoning as provided for

Claims 1 and 10.

Conclusion

44.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

a) Dickey (US PGPUB: 2003/0135851) discloses the use of a MIDlet architecture

on a wireless phone that utilizes an Application Management System to control access

to Java applications within the system;

b) <u>Davidov</u> (US PGPUB: 2003/0182626) discloses a system for dynamic creation

of MIDlets;

c) <u>Sharma</u> (US PGPUB: 2004/0111315) discloses the use of a MIDlet

architecture on a wireless phone that utilizes an Application Management System to

control access to Java applications within the system; and

d) <u>Rockwell</u> (US PGPUB: 20040111699) teaches the use of MIDlet applications

with two-way pagers.

Contact Information

45.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard Pantoliano, Jr. whose telephone number is

(571)270-1049 and whose direct fax number is (571) 270-2049. The examiner can

normally be reached on Monday-Thursday, 8am – 4pm EST. Please note that a

request for an interview in regard to the present application should be accompanied by

a written agenda (*including proposed amendments* and *specific issues* to be

discussed) sent to the fax number cited above.

46.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng An can be reached on (571)272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

47.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP   Richard Pantoliano, Jr.
03/06/2008   Examiner
                                                        Art Unit 2194

/Li B. Zhen/
Primary Examiner, Art Unit 2194